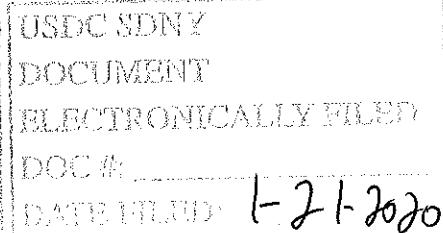


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :
-----X

-v- :
JOSHUA ADAM SCHULTE, :
Defendant. :
-----X



S-2 17 Cr. 548 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

The Government has moved this Court to implement certain security measures designed to protect from disclosure the true identities of one or more Central Intelligence Agency (“CIA”) witnesses expected to testify at trial. *See* Dkt. 199 at 1. Specifically, the Government requests that the courtroom remain closed to members of the public, subject to certain exceptions, during those witnesses’ testimony.¹ The Government proposed that the partial closure of the courtroom be tailored as followed: (a) a live feed of the testimony to an adjoining courtroom that does not reveal the witness’s face; (b) transcripts of the testimony to be released publicly as soon as feasible, which would typically be on the evening after the day of testimony; and (c) one pool reporter permitted in the courtroom during testimony.

Further, the Government’s sealed motion seeks an order permitting the “Protected Witnesses” to (1) testify using pseudonyms, (2) use a non-public entrance to enter and exit the courtroom, (3) precluding cross-examination that would reveal any aspect of their true identity,

¹ According to the Government, necessary courtroom personnel, the defendant, the defendant’s trial team, the Government’s trial team, the defendant’s family, and one pool reporter would be permitted in the courtroom during the Protected Witnesses’ testimony.

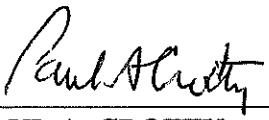
and (4) prohibiting sketching or other recording of their faces, and pixilation of any publicly released images of their faces.

The First Amendment...has consistently been read to provide the *public and press* a right of access to criminal trials. *United States v. Smith*, 426 F.3d 567, 574–75 (2d Cir. 2005). To close the proceeding to which such a right of access attaches, the Court must provide notice to the public to ensure an opportunity to challenge court closure from persons other than the litigants. *See Application of The Herald Co.*, 734 F.2d 93, 102 (2d Cir. 1984). Thus, before deciding this motion, the Court is affording members of the public and press an opportunity to challenge or object to the Government's proposal.

The Government is directed to file a public version of the proposed specific courtroom closure measures by close of business Thursday, January 23, 2020. The Court will hear any comments or objections at a public hearing scheduled for Monday, January 27, 2020, at 2 p.m. in Courtroom 14C at 500 Pearl Street, New York, New York.

Dated: New York, New York
January 21 2020

SO ORDERED



PAUL A. CROTTY
United States District Judge